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10/624,170

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Raj Bridgelall

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EXAMINER

ZURITA, JAMES H

ART UNIT

PAPER NUMBER

3625

NOTIFICATION DATE

DELIVERY MODE

07/08/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.US@motorola.com

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| Office Action Summary | Application No. 10/624,170 | Applicant(s) BRIDGELALL, RAJ | |
| | Examiner JAMES ZURITA | Art Unit 3625 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

On 27 February 2009, applicant amended each of claims 1-40.

Claims 1-40 are pending and will be examined.

Response to Arguments

Applicant's arguments filed 02/27/2009 have been fully considered.

Claim Rejections - 35 USC § 101

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 refers to "...An m-commerce **system**, the system is recorded on a computer-readable media and capable of execution by a computer, comprising ...component [various]..." A system is an apparatus. A component, according to applicant may be software, **hardware** and combinations of hardware and software:

As used in this application, the terms "component" and "system" are intended to refer to a computer-related entity, either hardware, a combination of hardware and software, software, or software in execution. For example, a component may be, but is not limited to being, a process running on a processor, a processor, an object, an executable, a thread of execution, a program, and/or a computer. By way of illustration, both an application running on a server and the server can be a component. Page 4, line 29- page 5, line 5.

Thus, claims 1-40 can be interpreted as being directed to software per se, since the components would otherwise not be able to be recorded on a computer-readable media. Further, it is not clear how one executes a component that performs actions.

To overcome the rejection under 35 USC 101, the Examiner suggests the following amendment to the claims:

1. (Currently Amended) An m-commerce system comprising:

a program memory;

a storage device;

a computer processor;

a data input component configured to receive item data representative of an article of commerce;

a coordination component configured to receive a shopping list transmitted by the data input component and present the article of commerce from the shopping list to a plurality of vendors for a bid, the coordination component further configured to receive the bid for transacting the article of commerce in real-time, and the data input

component further configured to provide an alert when the data input component is within physical proximity of the vendor that is presented the bid and has the article in stock;

a location awareness component configured to tracks the location of the data input component, the vendor presented with the bid is notified when the data input component is within physical proximity of the vendor; and

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a payment component configured to facilitate payment of the article of commerce and provides secure communication.

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2. (Currently Amended) The system of claim 1, wherein the system further comprises a wireless portable terminal.

3. (Currently Amended) The system of claim 1, wherein the data input component is further configured to upload a shopping list to the coordination component.

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4. (Currently Amended) The system of claim 1, wherein the data input component is further configured to download item information from at least one of an appliance and a computer.

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5. (Currently Amended) The system of claim 1, wherein the data input component further configured to be in continuous communication with the coordination component.

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6. (Currently Amended) The system of claim 1, wherein the data input component is further configured to communicate information using a virtual private network.

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7. (Currently Amended) The system of claim 1, wherein a user of the data input component specifies a price range for a list of the articles of commerce, in response to which the coordination component is configured to receive one or more of the bids to transact the list.

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8. (Currently Amended) The system of claim 1, wherein the data input component is further configured to locate the article of commerce in a vendor facility via RF backscattering.

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9. (Currently Amended) The system of claim 1, wherein the data input component is further configured to facilitate receiving the item data by at least one of manual input, a

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dataform scanning system, an image capture system, an audio input system, a magnetic reading assembly, and an RF transponder reading assembly.

11. (Currently Amended) The system of claim 1, wherein the coordination component is further configured to facilitate communication of awareness data to both the data input component and a vendor.

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12. (Currently Amended) The system of claim 11, wherein the awareness data communicated to the data input component provides at least one of notification that the vendor is located nearby, and one of a name and an address of the vendor.

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14. (Currently Amended) The system of claim 11, wherein the awareness data is further configured to facilitate pushing marketing information to the user of the data input component, which marketing information is targeted to the user.

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15. (Currently Amended) The system of claim 1, wherein the coordination component comprises at least one of remotely on a global communication network and a local backoffice network.

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16. (Currently Amended) The system of claim 1, wherein the coordination component is further configured to coordinate inter-component functions between the data input component, the location awareness component, and the payment component.

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17. (Currently Amended) The system of claim 1, wherein the payment component is further configured to provide secure communication using at least one of a biometric, radio frequency identification (RFID) data, and an article-of-commerce dataform.

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18. (Currently Amended) The system of claim 1, wherein the payment component is further configured to distinguish selection of a first article of commerce from a second

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article of commerce by processing both RFID data and dataform data of the first article of commerce.

19. (Currently Amended) The system of claim 1, wherein the payment component is further configured to facilitate secure communication of item data via a secure key cryptographic engine.

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22. (Currently Amended) The system of claim 1, wherein the data input component is further configured to output at least one of a map and location information that indicates the location of the article of commerce in a store.

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23. (Currently Amended) The system of claim 1, wherein the data input component is further configured to receive via the coordination component, item information associated with the article of commerce.

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24. (Currently Amended) The system of claim 1, wherein the coordination component is further configured to retrieve item information associated with the article of commerce from a vendor data resource, and wherein the coordination component is further configured to download the information to the data input component for presentation to the user.

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25. (Currently Amended) The system of claim 1, wherein the coordination component is further configured to manage a transaction between a user of the data input component and a vendor selected to provide the article of commerce.

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26. (Currently Amended) The system of claim 1, wherein the payment component is further configured to facilitate at least one of deactivation and activation of an RFID tag

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associated with the article of commerce when the data input component reads RFID tag data.

27. (Currently Amended) The system of claim 1, wherein the payment component is further configured to authenticate the data input component to a store network.

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28. (Currently Amended) The system of claim 1, wherein the location awareness component is further configured to track the data input component in a wide area network and a local area network.

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29. (Currently Amended) The system of claim 1, wherein the payment component is further configured to utilize electronic article surveillance (EAS) technology with bi-stable and resettable EAS data in an RFID tag.

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30. (Currently Amended) The system of claim 1, wherein the location awareness component is further configured to update a vehicle location tracking system to present a location of the vendor offering the bid.

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31. (Currently Amended) The system of claim 1, wherein the location awareness component is further configured to update the data input component with store information of a store as the data input component passes within range of a compatible store communication system.

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32. (Currently Amended) The system of claim 31, wherein the data input component is further configured to notify a user that the article of commerce is present in the store.

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33. (Currently Amended) The system of claim 31, wherein the data input component is further configured to automatically notify a user of a location of the article of commerce in the store.

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34. (Currently Amended) The system of claim 1, wherein the location awareness component ~~is further configured to facilitate~~ synchronization of data of the data input component with a second data input component over a wireless personal data network.

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35. (Currently Amended) The system of claim 1, wherein the coordination component ~~is further configured to download~~ multimedia content related to the article of commerce to the data input component in response to the item data being received.

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36. (Currently Amended) The system of claim 1, wherein the data input component ~~is further configured to transmit~~ a unique password to a tag of the article of commerce to facilitate payment for that article of commerce.

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Allowable Subject Matter

Claim 1 would be allowable is rewritten to overcome rejections under 35 USC 101.

Applicant's comments and amendments are commensurate with the disclosures.

Updated searches were performed on the amended claim language.

The following is a statement of reasons for the indication of allowable subject matter. The closest US prior art VanErlach (20040204063) and Gellman (2002/0035536), neither anticipate nor render obvious the combination, *inter alia*,

coordination component that receives a shopping list transmitted by the data input component and presents the article of commerce from the shopping list to a vendor for a bid and has the article in stock, the coordination component receives the bid for transacting the article of commerce in real-time the data input component provides an alert when it is' within physical proximity of the vendor that is' presented the bid; a location awareness component that tracks' the location of the data input component, the vendor presented with the bid is' notified when the data input component is' within physical proximity of the vendor.

The closest non-patent literature is Bridgelall, Enabling Mobile Commerce, published in 20003 by IEEE. Again, Bridgelall neither anticipates nor renders obvious the combination, *inter alia*,

coordination component that receives a shopping list transmitted by the data input component and presents the article of commerce from the shopping list to a vendor for a bid and has the article in stock, the coordination component receives the bid for transacting the article of commerce in real-time the data input component provides an alert when it is' within physical proximity of the vendor that is' presented the bid; a location awareness component that tracks' the location of the data input component, the vendor presented with the bid is' notified when the data input component is' within physical proximity of the vendor.

Also of interest is Cellenium Launches Bluetooth M-Commerce Application

Based on Texas Instruments Bluetooth Technology, Business & High-Tech Editors Bluetooth Congress Amsterdam, Netherlands June 12-14, 2002 Booth #313. Business Wire. New York: Jun 12, 2002, downloaded from ProQuest Direct on the Internet on 5 July 2007, 3 pages. Again, Cellenium neither anticipates nor renders obvious the combination, *inter alia*,

coordination component that receives a shopping list transmitted by the data input component and presents the article of commerce from the shopping list to a vendor for a bid and has the article in stock, the coordination component receives the bid for transacting the article of commerce in real-time the data input component provides an alert when it is within physical proximity of the vendor that is' presented the bid; a location awareness component that tracks' the location of the data input component, the vendor presented with the bid is' notified when the data input component is' within physical proximity of the vendor.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES ZURITA whose telephone number is (571)272-6766. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571)272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Zurita/
Primary Examiner
Art Unit 3625
5 July 2009